REMARKS

The present Amendment is in response to the non-Final Office Action dated February 6, 2007. Claims 50-62, of which claims 50 and 57 are independent claims, are pending in the application. Claim 63 has been cancelled. The Applicant has amended claim 57. The amended claim contains no new mater and is fully supported by the specification. The Applicant respectfully submits that pending claims 50-62 are in condition for allowance in view of the Amendments and the following remarks.

A.   Claim Objections:

The Action objects to claims 50 and 57 and has asked the Applicant to provide support for the term "instant messaging service." The term "instant messaging service" is described on page 11, lines 6-15 of the Applicant's Specification and as element 202 in Figure 2. Accordingly, Applicant respectfully requests withdrawal of the objection.

B.   Claim Rejections under 35 U.S.C. § 103:

The Action rejects claims 50-63 as being unpatentable over Carey et al. (United States Patent No. 6,714,793) in view of Gudjonsson et al. (United States Patent No. 6,564,261); alternatively, in view of Guedalia et al. (United States Patent No. 7,043,538); alternatively, in view of Chen et al. (United States Patent No. 7,020,685). In light of the arguments contained herein, the Applicant respectfully requests that this rejection be withdrawn.

Claims 50-56

In contrast with independent claim 50, <u>Carey et al.</u> fails to teach or suggest a proxy server for "…**transmitting presence information** to the instant messaging service to indicate that the wireless communications device is online **even when a data connection does not exist** between the wireless communication device and the wireless network…" (See Applicant's Claims). Specifically, <u>Carey et al.</u> is completely silent as to a "proxy server" or any other type of server that can maintain the presence information of the wireless communication device with the instant messaging service such that the wireless communications device appears "online" even when in fact there is NO "data connection" between the wireless communication device and the wireless network. The Action acknowledges this deficiency of the <u>Carey et al.</u> reference in his rejection of this claim (See non-Final Office Action of February 6, 2007). Additionally, <u>Carey et al.</u> fails to teach or suggest that the proxy server can be used to "transmit presence information" to the instant messaging service (e.g., IM Service Provider, IM server, etc.) "to indicate that the wireless communications device is online" (that is, the wireless communications device is active) even when "a data connection does not exist between the wireless communications device and the wireless network" (See Applicant's Claims).

Gudjonsson et al. fails to cure the deficiencies of <u>Carey et al.</u> Specifically, <u>Gudjonsson et al.</u> is silent as to a proxy server that **actively transmits presence information** to an instant messaging service to indicate that a wireless communications device is online even when the data connection does not exist

between the wireless device and the wireless network. The sections (col. 7, line 53 – col. 8, line 30; col. 8, lines 53-65, col. 11 lines 32-64) of Gudjonsson et al. offered by the Action merely teaches connection servers (col. 8, lines 19-21) that provide services such as: storing "presence data" associated with a user on a database (col. 8, lines 54-56), publishing dynamic user status information **to indicate** "whether the user is currently online on his/her PC or not" (col. 8, lines 57-60), and providing users with the ability **to check** whether other users are connected to the same connection servers are online (col. 8, lines 61-63). In short, Gudjonsoon et al. is completely silent as to the connection servers having any functionality that allows them to **actively transmit presence information** to an instant messaging service (e.g., IM Service Provider, IM Server, etc.) such that the instant messaging service is fooled into thinking that a wireless communications device associated with the presence information appears "online" even when in fact there is NO "data connection" between the wireless communication device and the wireless network.

Guedalia et al. also fails to cure the deficiencies of Carey et al. Specifically, Guedalia et al. is also silent as to a proxy server that **actively transmits presence information** to an instant messaging service to indicate that a wireless communications device is online even when the data connection does not exist between the wireless device and the wireless network. Guedalia et al. merely teaches a presence server that "maintains an active session" with an external server (i.e., instant messaging service) even when a user is disconnected from the presence server (col. 5, lines 4-10). There is no teaching or suggestion in Guedalia et al. that the presence server "actively" transmits presence information to the

external server (i.e., instant messaging service) to fool it into thinking that the user (i.e. wireless communications device) is online even when he/she is disconnected from the presence server. The fact that an "active session" is maintained by the presence server cannot be inferred to mean that the presence server is actively transmitting presence information to the external server. They are mutually exclusive concepts.

Chen et al. also fails to cure the deficiencies of Carey et al. Specifically, Chen et al. is also silent as to a proxy server that **actively transmits presence information** to an instant messaging service to indicate that a wireless communications device is online even when the data connection does not exist between the wireless device and the wireless network.   The section cited in the Action on Chen et al. (col. 1, lines 63-65 and FIGs 1 and 4) merely teaches that a proxy server, between a wireless device and one or more network servers, can facilitate the transmission of SMS messages. Chen et al. is completely silent as to the proxy server having any capability of actively transmitting presence information to the one or more of the network servers to indicate that the wireless device is online even when the wireless device is disconnected from the proxy server.

For at least the above reasons, the Applicant respectfully requests that this rejection be withdrawn for claim 50. Claims 51-56 depends directly or indirectly from claim 50. Accordingly, the Applicant respectfully submits that claims 50-56 are in condition for allowance.

Claims 57-62

In contrast with claim 57, as amended herein, <u>Carey et al.</u> fails to teach or suggest a "proxy server determining that the wireless communications device is in the active message state status if the wireless communications device is responsive to a special SMS message that is periodically sent by the proxy server to the wireless communications device" (See Applicant's Claims and Specification, page 12, lines 19-23). Specifically, <u>Carey et al.</u> is completely silent as to a "proxy server" that can periodically send special SMS messages to a wireless device, and based on the response, determine whether the wireless device is in an active state.

<u>Gudjonsson et al.</u>, <u>Guedalia et al.</u>, and <u>Chen et al.</u> all fail to cure the deficiencies of <u>Carey et al.</u>, as they are also completely silent as to this particular feature.

For at least the above reasons, the Applicant respectfully requests that this rejection be withdrawn for claim 57. Claims 58-62 depend directly or indirectly from claim 57. Accordingly, the Applicant respectfully submits that claims 57-62 are in condition for allowance.

C.   CONCLUSION

For all the foregoing reasons, allowance of claims 50-62 pending in the

present application is respectfully requested. If necessary, applicant requests, under

the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-

identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

The Director is authorized to charge any additional fee(s) or any underpayment of

fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera

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Respectfully Submitted,

Dated: May 7, 2007   /Jonathan T. Velasco/
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